

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JIMMY DALE HURD, II,

Petitioner,

v.

CLAUDE CHESTER, Warden,

Respondent.

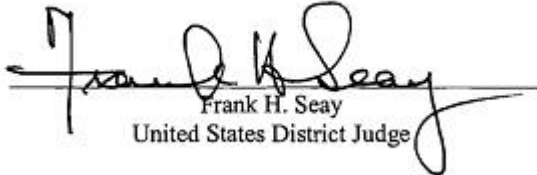
Case No. CIV 12-118-FHS-KEW

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

On this date the court dismissed petitioner's petition for a writ of habeas corpus as barred by the statute of limitations. After careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). *See also* 28 U.S.C. § 2253(c).

ACCORDINGLY, petitioner is denied a certificate of appealability. *See* Rule 11(a) of the Rules Governing Section 2254 Cases.

IT IS SO ORDERED this 12th day of February, 2013.


Frank H. Seay
United States District Judge